UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,233	07/19/2001	Peter Robert Foley	CM2505	8663

27752 7590 01/26/2007

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER	
DELCOTTO, GREGORY R	
ART UNIT	**PAPER NUMBER**
1751	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/909,233	FOLEY ET AL	
	Examiner	Art Unit	
	Gregory R. Del Cotto	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,8,12,14-16,18-22,24-26,29 and 35-42* is/are pending in the application.

4a) Of the above claim(s) *36-40* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,8,12,14-16,18-22,24-26,29,35,41 and 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 7, 8, 12, 14-16, 18-22, 24-26, 29 and 35-42 are pending. Applicant's arguments and amendments filed 11/1/06 have been entered. Claims 1-6, 9-11, 13, 17, 23, 27, 28, 30-34, 43, and 44 have been canceled. Claims 36-40 have been withdrawn from consideration as being drawn to a non-elected invention.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections/Rejections Withdrawn

2. The following objections/rejections as set forth in the Office action mailed 8/1/06 have been withdrawn:

The rejection of claims 1-8, 12, 14-16, 18-29, 35, 41, and 42 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 7, 8, 12, 14-16, 18-22, 24-26, 29 and 35-42 are rejected under 35 U.S.C. 103(a) as obvious over JP 60-141800 in view of Trinh et al (US 6,194,362).

'800 teaches a liquid detergent composition containing 0.1 to 10% by weight of a swellable clay mineral, 0.1 to 30% of a solvent, 1 to 20% of a surfactant and 0.5 to 30% of an alkali agent. Suitable solvents include diethylene glycol monobutyl ether, etc. See page 4, lines 10-50. Note that, amine oxide surfactants and monoethanolamine may also be used in the compositions. See page 9, lines 1-30. Suitable additional ingredients include fragrances, dyes, etc. See page 6, lines 1-15.

'800 do not specifically teach the use of odor masking perfumes including ionones or musks or a detergent composition having the specific physical parameters containing a solvent, an odor masking perfume including ionones or musks, and the

other requisite components of the composition in the specific amounts as recited by the instant claims.

Trinh et al teach liquid aqueous, hard surface detergent compositions having improved cleaning and good filming/streaking characteristics comprising from about 0.0015 to about 3% of a blooming perfume composition comprising at least about 50% of blooming perfume ingredients selected from the group consisting of perfume ingredients having a boiling point of less than about 260 degrees Celsius; from about 0.001% to about 2% of a detergent surfactant; from about 0.5% to about 30% of a hydrophobic solvent, and the balance being an aqueous solvent system comprising water and a solvent such as methanol, ethanol, isopropanol, ethylene glycol, propylene glycol, glycol ethers, etc. See column 1, line 55 to column 2, line 30. Suitable perfumes include blooming perfume ingredients and extensive mixtures of perfumes, including ionone, which encompass the blooming perfumes and ionones as recited by the instant claims. Additionally, Trinh et al teach that musks such as 10-oxahexadecanolide may also be used. The blooming perfume compositions contain at least 50% by weight of the combined blooming perfume ingredients and delayed blooming perfume ingredient. Non-blooming perfume ingredients such as 10-oxahexadecanolide may be used in small amounts. Note that, the Examiner asserts that a "small amount" of non-blooming perfumes as taught by Trinh et al may encompass about 15% by weight of musks as recited by the instant claims because Trinh et al teach the perfume compositions contain at least 50% by weight of the combined blooming perfume ingredients and delayed blooming perfume ingredient which would leave amounts such as 20% by

weight or 15% by weight left over for non-blooming perfume materials. See column 6, line 10 to column 10, line 1.

Suitable glycol ethers include monopropylene glycol monopropyl ether, diethyleneglycolmonohexyl ether, monoethyleneglycol monobutyl ether, etc. See column 14, lines 54-65.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a mixture of perfume ingredients including ionones and musks as recited by the instant claims in the composition as taught by '800, with a reasonable expectation of success, because Trinh et al teach a similar hard surface cleaning composition containing such perfume ingredients including ionones and musks and further, '800 teach the use of optional components including perfumes.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a cleaning composition containing a solvent, an odor masking perfume including ionones and musks, and the other requisite components of the composition in the specific amountsas recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of '800 in combination with Trinh et al suggest a cleaning composition containing a solvent, an odor masking perfume including ionones and musks, and the other requisite components of the composition in the specific amounts as recited by the instant claims.

Note that, the Examiner asserts that the broad teachings of '800 in combination with Trinh et al would encompass compositions having the same pH, liquid surface

tension, reserve alkalinity in the presence of acidic soils, and other physical parameters as recited by the instant claims because '800 in combination with Trinh et al suggest compositions containing the same components in the same amounts as recited by the instant claims.

Response to Arguments

With respect to rejection under 35 USC 103(a) using '800 in combination with Trinh et al, Applicant states that neither reference, alone or in combination, teach or suggest the use of a musk or a mixture of musks in the amounts required by the present claims. Further, Applicant states that Trinh et al discusses that non-blooming perfume ingredients should be minimized in the glass cleaning compositions and can be used in small amounts in some particular glass cleaning compositions such that one skilled in the art would not arrive at the claimed composition. In response, note that, the Examiner asserts, as stated above, that a "small amount" of non-blooming perfumes as taught by Trinh et al may encompass about 15% by weight of musks as recited by the instant claims because Trinh et al teach the perfume compositions contain at least 50% by weight of the combined blooming perfume ingredients and delayed blooming perfume ingredient which would leave amounts such as 20% by weight or 15% by weight left over for non-blooming perfume materials. See column 6, line 10 to column 10, line 1. Thus, the Examiner asserts that one of ordinary skill in the art would clearly have been motivated to use an odor masking blooming perfume composition as recited by the instant claims in the composition taught by '800, with a reasonable expectation of success, because Trinh et al teach a similar hard surface cleaning composition

containing such perfume ingredients including ionones and musks and further, '800 teach the use of optional components including perfumes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
January 22, 2007